Supreme Court, U.S.
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No. 02-1498

In the

Supreme Court of the United States

B. WILLIS, C.P.A., INC.,

Petitioner,

v.

SURFACE TRANSPORTATION BOARD
and UNITED STATES OF AMERICA,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

REPLY BRIEF

William T. Dickson
Counsel of Record
O.B.A. No. 10634
D.C. Cir. Bar No. 47712
1369 South Garnett
Tulsa, Oklahoma 74128
918-629-0449
Attorney for Petitioner

CURRY & TAYLOR ♦ (202) 393-4141 ♦ HTTP://USSCINFO.COM

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STATEMENT

Petitioner, B. Willis, C.P.A., Inc., ("Willis") filed its Petition For Certiorari on April 10, 2003. Subsequently, Briefs in Opposition were filed by Public Service Company of Oklahoma and by the Solicitor General on behalf of Surface Transportation Board and the United States of America.

Because both of the Briefs in Opposition mischaracterize the facts and issues and, in at least one case, falsely state the facts of a prior decision of the Surface Transportation Board, STB Finance Docket No. 34020, *Fletcher Granite Company, LLC- Petition for Declaratory Order* (served June 29, 2001), Willis now files this Reply Brief.

ARGUMENT I

RESPONDENTS HAVE MISCHARACTERIZED THE ISSUES ON APPEAL.

On page 4 of the Brief in Opposition filed by the Solicitor General is the following:

> Petitioner contends (Pet 6-8) that the Board's jurisdiction extends to private operations conducted over private track.

On page 6 of the Brief in Opposition filed by Public Service Company of Oklahoma ("PSO") is the following:

> The issue at hand is whether the track that PSO built for itself to handle only its own coal trains is subject to the Board's jurisdiction.

Both of these assertions completely mischaracterize the issues before the Court and Willis' contentions concerning those issues.

PSO did **NOT** build the track for itself to handle its own coal trains. In fact, **PSO does not have any coal trains**. It is the **Burlington Northern and Santa Fe Railway Company ("BNSF"),** a common carrier railroad, which has coal trains and the track was built for BNSF, not PSO. What PSO has is **coal,** which it **bails to BNSF** in Wyoming. BNSF then transports the coal over hundreds, if not thousands, of miles of BNSF's mainline common carrier track in a continuous, through journey in interstate commerce before **BNSF's trains** travel over the track at issue and then onto the grounds of PSO's generating station in Oologah, Oklahoma, where the bailment terminates. The track was built for BNSF, not PSO, so BNSF could divert millions of dollars in annual revenues to itself from a rival common carrier, Union Pacific.

The operations that Petitioner contends are subject to the Board's jurisdiction are not "private operations conducted over private track" but rather interstate commerce operations from Wyoming to Oologah, Oklahoma, only a small portion of which occurs over the track at issue, the right of way for which PSO is still seeking over Petitioner's property under Oklahoma's railroad eminent domain statutes as a public, not private, necessity.

II.

THE TRACK AT ISSUE IS CONTROLLED AND USED BY A COMMON CARRIER.

On page 2 of the Brief in Opposition filed by the Solicitor General is the following:

> Under the Interstate Commerce Act, the Surface Transportation Board (Board) has jurisdiction over "transportation by rail carrier" that is conducted over any "part of the interstate rail network."

On pages 10 and 14 of PSO's Brief in Opposition is the following:

> Thus, the first step in determining whether the STB has jurisdiction over a particular line of track is to determine whether the track is controlled by a common carrier...The legislature has made clear that in relation to rail transportation, jurisdiction is vested in the STB only when a common carrier is involved (49 U.S.C. § 10501(a)).

In fact, the STB's jurisdiction is not restricted to track that is owned or controlled by a common carrier. 49 USC, § 10901(a) reads as follows:

> A **person** may-
>
> (1) construct an extension to any of its railroad lines;
>
> (2) **construct an additional railroad line**;
>
> (3) **provide transportation over, or by means of, an extended or additional railroad line: or**
>
> (4) **in the case of a person other than a rail carrier**, acquire a railroad line or acquire or operate an extended or additional railroad line, only if the Board issues a certificate authorizing such activity under subsection (c). (Emphasis added.)

The relevant portions of the Code of Federal Regulations (49 CFR Ch X, Pt. 1150) read in part:

§1150.1 Introduction

(a) When an application is required.

> This subpart governs applications under 49 U.S.C. 10901 for a certificate of public convenience and necessity authorizing the construction, acquisition or operation of railroad lines. **Noncarriers require Board approval** under section 10901 to construct, acquire or operate a rail line **in interstate commerce.** (Emphasis added.)

However, even if the Respondents are correct in their characterization of the STB's jurisdiction, the track at issue is clearly under the STB's jurisdiction, as the track is clearly under the control of a common carrier. As soon as the track was constructed, the Burlington Northern and Santa Fe Railway Company took over operation of and dispatching over the track pursuant to an "Industrial Track & Operating Agreement." BNSF is one of the largest common carrier railroads in the country.[1]

The track is used solely by BNSF for full, complete, unit trains traveling in a through journey in interstate commerce.[2] 49 U.S.C., § 10102, states in part (emphasis added):

---

[1] According to BNSF's website at www.bnsf.com it has approximately 33,000 route miles of track in 28 states and two Canadian Provinces and approximately 38,000 employees.

[2] Interestingly, BNSF's system map on its website, as of June 20, 2003, shows the track at issue as a "short line track" that is part of the BNSF system.

(6) "railroad" includes-...

(B) the road used by a rail carrier and owned by it **or operated under an agreement...**

(9) "transportation" includes-

(A)...property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, by rail, **regardless of ownership** or an agreement concerning use.

Respondents assert that the STB lacks jurisdiction over the track because the track is just used for the final leg of the interstate journey, from BNSF's main line common carrier track to the generating station, and BNSF does not provide common carrier service to any other shippers over the track. However, this Court long ago stated:

> The mere fact that a railroad lies wholly within one state, and is to be built by an independent corporation, does not of course, prevent the application of paragraphs 18 to 22. **If it undertakes to engage in interstate commerce**, its operation becomes immediately a matter of national concern and it comes within the purview of those paragraphs.
> *Texas & N.O.R. Co. v. Northside Belt Ry. Co.*, 276 U.S. 475, 48 S. Ct. 361, 362 (1928). (Emphasis added.)

Thus, the critical issue is not whether there is common carriage over the track, but whether there is interstate commerce over the track, and in the case at bar, that critical fact is not in dispute.

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III.

THE DECISION UNDER APPEAL CONFLICTS WITH PRIOR DECISIONS OF THIS COURT AND THE STB.

On pages 4 and 6 of the Brief in Opposition filed by the Solicitor General is the following:

> That decision does not conflict with any decision of this Court or of another court of appeals...Petitioner contends (Pet. 24) that the Board has held in other cases that it has jurisdiction over private track that is not used for common carriage. In fact, however, all of the cases cited by petitioner address the preemptive effect of the Boards regulation of *common carrier* track.

These assertions are utterly false. This Court has long held that track used by a common carrier to invade the territory of another railroad required the approval of the federal regulatory authorities. As Willis pointed out in its Petition, spur and industrial tracks frequently are privately owned and serve only one shipper. In *Illinois Commerce Commission v. I.C.C.*, 879 F.2d 917 (D.C. Cir. 1989) at 919 N. 6, the Court noted:

> Comments in opposition to the petition were filed by C. Franke and Company, Inc., **the only shipper served by the spur**: (Emphasis added.)

In *New York Cent. Ry. Co. v. Southern Ry.*, 226 F.Supp. 463 (N.D. Ill. 1964), *aff'd* 338 F.2d 667 (7th Cir. 1964), *cert. denied*, 380 U.S. 954 (1965), *reh'g denied*, 381 U.S. 907 (1965) the Court noted the rail carrier:

> ...sends its cars for loading or unloading to the mine over track owned and maintained by the shipper. **Such service is frequently rendered over private track...**
> *New York Central*, 266 F. Supp. at 474 (Emphasis added.)

This Court long ago held that even such track was subject to the authorization requirements of what today is 49 U.S.C. § 10901 if using the track permitted a railroad to invade the service area of another carrier.

> If the purpose and effect of the new trackage is to extend substantially the line of a carrier into new territory, the proposed trackage constitutes an extension of the railroad within the meaning of paragraph 18, although the line be short and **although the character of the service contemplated be that commonly rendered to industries by means of spurs or industrial tracks.** Being an extension, it cannot be built unless the federal Commission issues its certificate that public necessity and convenience require its construction.
> *Texas & P. Ry. v. Gulf, Colo. & S.F. Ry.* 270 U.S. 266, 278, 46 Sp. Ct. 263, 266, 70 L.Ed.578 (1926) (Emphasis added.)

> In the cases before us, for example, although the ICC may focus on the tenant railroad's use of the tracks solely for switching operations as the controlling factor in determining the tracks' character, if those switching operations have the effect of substantially extending the tenant

> railroads' lines into new territory, then the Commission may not decline jurisdiction. *Brotherhood of* Locomotive *Engineers v. U.S.*, 101 F.3d 718, 728 (D.C. Cir. 1996)

Moreover, this Court long ago recognized that when a common carrier such as BNSF uses track that it does not own, as is the case here, the federal regulatory authority would attach to the track.

> ...Congress did not intend its railroad regulatory provisions to depend on who had legal title to transportation instrumentalities...these definitions by their unambiguous language, make all trackage "in use by a common carrier" subject to the regulatory provisions of the Act, even though not owned by the carrier, but only used by it under a contract or agreement.
> *United States v. Baltimore & Ohio R. Co.*, 333 U.S. 169, 176, 68 S.Ct.494, 498 (1948).

The STB found that it had jurisdiction even over private track that only served the owning shipper and over which no common carrier operated in **STB Finance Docket No. 34020, *Fletcher Granite Company, LLC- Petition for Declaratory Order* (served June 29, 2001).** The STB noted, **"Fletcher laid the rail track on its property and provided its own rail service to the B&M interchange."** Respondents persist in falsely asserting that this case involved common carriage. In fact, the common carrier in this case, the Boston and Maine, did not operate over the private track. Rather, Fletcher Granite used a terminal railroad company, Springfield Terminal Railway Company, to move Fletcher Granite's shipments over Fletcher Granite's private track to the

B&M interchange where they were tendered to the common carrier.

Were there such a thing as a "private track exemption"[3] as claimed by Respondents, the STB would have advised Fletcher Granite the STB lacked any jurisdiction and that the private track was under the jurisdiction of state and local authorities. Instead, the STB advised the parties that the STB had exclusive jurisdiction over Fletcher Granite's private track, refuting any claim of a private line exemption.

Two other STB decisions Petitioner cited, STB Finance Docket No. 33971, *Borough of Riverdale-Petition for Declaratory Order-The New York Susquehanna and Western Railway Corporation*, (served February 27, 2001) and STB Finance Docket No. 33971, *Joint Petition for Declaratory Order-Boston and Maine Corporation and Town of Ayer, Ma.*, (served May 1, 2001) did, in fact, deal with common carrier track. However, the consistent holding in all of these decisions was that state and local officials could not have the authority to interfere with the construction and operation of ancillary tracks and facilities that were an integral part of a railroad's interstate operations.

BNSF has attested in a sworn affidavit to a U.S. District Court that without the track at issue, the interstate traffic involved, as well as millions of dollars of annual revenues would be diverted back to Union Pacific. However, Respondents now argue that this track, as well as numerous other tracks built by electric

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[3] In a scathing opinion accompanying the majority opinion in *Hanson Natural Resources Company-Non-Common Carrier Status*-Petition for Declaratory Order, Finance Docket No. 32248 (ICC Served Dec. 5, 1994) then ICC Commissioner, later STB Chairman, Linda J. Morgan ridiculed the claim of a private line exemption as "gratuitous diversions into novel legal theory" and "some novel and untested legal theories-concerning for example, the classification of different kinds of railroad in general and, in particular the so-called "private line exemption.""

utilities throughout the country, is outside of STB jurisdiction and under the exclusive jurisdiction of state and local authorities.

PSO has never obtained an easement across Willis' property and the state condemnation action is pending the outcome of this case. If Respondents are correct, an elected state official, rather than the STB, will determine the public necessity for constructing the track and diverting millions of dollars of annual revenues between rival common carriers.

Such a result would be completely contrary to the law as it has existed since the Transportation Act of 1920 and would completely reverse the intent of the ICC Termination Act to completely preempt the field of railroad regulation.

CONCLUSION

The decision of the Circuit Court of Appeals should be reversed as it directly contradicts the plain wording of the applicable statutes and all relevant prior decisions of the United States Supreme Court, the D.C. Circuit, the ICC and the STB itself. The track at issue and BNSF's interstate operations over it are subject to the jurisdiction of the STB and the requirements of 49 U.S.C., §10901. As a result, the ongoing state condemnation action is a violation of that statute the STB is charged with enforcing.

Respectfully submitted,

William T. Dickson
O.B.A. No. 10634
D.C. Cir. Bar No. 47712
1369 South Garnett
Tulsa, Oklahoma 74128
918-629-0449

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SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34020

FLETCHER GRANITE COMPANY, LLC - PETITION FOR DECLARATORY ORDER

Decided: June 25, 2001

In a petition filed March 13, 2001, Fletcher Granite Company, LLC, successor in interest to H.E. Fletcher Company (Fletcher), seeks a declaratory order that the Board has exclusive jurisdiction over the resumption of rail service by Fletcher over certain sidetrack in Westford, MA. Fletcher owns and operates a granite quarry and stone fabrication mill in Westford and the sidetrack runs from its quarry and fabrication mill to the mainline connection of the Stoney Brook Branch of the Boston & Maine Corporation (B&M).[1] The Town of Westford filed a notice of appearance on March 26, 2001.

Fletcher indicates that rail operations connecting the granite quarry (located on the north side of Groton Road) and mill (on the south side of Groton Road) with the Stoney Brook Branch began in 1895. Fletcher laid

[1] Fletcher states that rail operations are conducted by the Springfield Terminal Railway Company, which, like B&M, is part of the Guilford Rail System.

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the rail track on its property and provided its own rail service to the B&M interchange. This service continued until about 1965, when Fletcher decided to ship granite by truck instead of rail. While Fletcher has discontinued rail service from the fabrication mill to the B&M, it has maintained rail service on the part of its track running from the quarry to the fabrication mill. With the exception of the switch to the B&M that was removed in 1965, the original track remains in place. Debris, however, has been dumped on the right-of-way by local land abutters, and residents have placed retaining walls and a landfill parallel to the track but within the right-of-way. Fletcher contends that neither it nor any other entity has attempted to abandon the track, and that it was not aware of the encroachments to its property until it began repair work in preparation for the reuse of the line.

Fletcher submits that it has had extensive discussions with B&M concerning reestablishing rail service and that the parties have agreed as to what would be needed to repair or upgrade the track. B&M has also agreed to replace the switch to the Stoney Brook line and to furnish rail service to and from the interchange.

Fletcher states that it has repaired the grade crossing at Groton Road and plans to improve another grade crossing at Brookside Road.[2] It has retained a

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[2] Fletcher states that the Federal Highway Administration (FHWA), pursuant to its Federal Railroad Grade Crossing Program, has funded 80% of the cost of the Groton Road grade crossing improvements. It has also approved funding for the Brookside Road grade crossing improvements, and funds will be released when work begins.

railroad design and construction consultant to determine what is needed to resume safe rail service. Fletcher asserts that the consultant believes "the required improvements are viable." Petition at 3 (citation omitted).

Fletcher is concerned that the resumption of rail service could be delayed or defeated if state and local officials try to regulate the matter. Fletcher claims that its concerns are not speculative, citing negative press coverage and alleged hostility by the local community to development in Westford. It also asserts that part of its right-of-way abuts a brook and wetlands, and that it has been told by local officials that resuming service would entail an environmental permitting process under state law and review by the local Conservation Commission. Fletcher states that it will submit its workplan to the Conservation Commission and will work consistently with applicable environmental standards by, for example, not storing materials in protected wetlands. Nevertheless, Fletcher asserts that, if its proposal comes under Conservation Commission review, it will likely "become involved in extensive, time-consuming hearings that will result in either denial of any permit application or the imposition of such expensive and unwieldy conditions that the project will be unfeasible to complete." Petition at 4 (citation omitted). In any event, Fletcher claims that the permitting process will substantially delay and add cost to the project.

Accordingly, Fletcher seeks a declaratory order that, under 49 U.S.C. 10501(b)(2), the Board has exclusive jurisdiction over the resumption of rail service and that local or state regulation is preempted. Fletcher argues that, while the Board does not have licensing and conditioning authority over ancillary facilities, citing 49 U.S.C. 10906, Congress gave the Board exclusive

jurisdiction over rail transportation under section 10501(b).

DISCUSSION AND CONCLUSIONS

Under the Administrative Procedure Act, "the agency, . . . in its sound discretion, may issue a declaratory order to terminate a controversy or remove uncertainty." 5 U.S.C. 554(e). See also 49 U.S.C. 721. It would be premature for the Board to institute a declaratory order proceeding at this point, as there is not now, and may never be, a controversy that needs to be terminated. Westford, while filing a notice of appearance, has not submitted any substantive views on this matter. Nor does Westford appear to have taken any official action that would impede the resumption of rail service over Fletcher's track. Fletcher, moreover, has indicated that it will submit workplans and act consistently with applicable environmental standards. Thus, the Board will not attempt to intervene in this matter at this time.

Nevertheless, to provide guidance to the parties, this decision will summarize relevant court and agency case law addressing similar situations. Under 49 U.S.C. 10501(b)(2), as broadened by the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (1995) (ICCTA), the Board has exclusive jurisdiction over "the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks or facilities, even if the tracks are located, or intended to be located entirely in one State." Section 10501(b)(2) further provides that both "the jurisdiction of the Board over transportation by rail carriers" and "the remedies provided under [49 U.S.C. 10101-11908] are exclusive and preempt the remedies provided under Federal or State law." See City of Auburn v. STB, 154

F.3d 1025, 1029-31 (9th Cir. 1998), cert. denied, 527 U.S. 1022 (1999) (City of Auburn); Borough of Riverdale – Petition for Declaratory Order – The New York Susquehanna and Western Railway Corporation, STB Finance Docket No. 33466 (STB served Sept. 10, 1999) (Riverdale I) at 5. As several courts have held, this statutory preemption applies even in cases involving the construction of ancillary tracks and facilities under section 10906, even though the Board does not have licensing authority over such matters and therefore does not conduct its own environmental review.[3] See Flynn v. Burlington Northern Santa Fe Corp., 98 F. Supp.2d 1186 (E.D. Wash. 2000) (Flynn)[4] and cases cited in Joint Petition for Declaratory Order – Boston and Maine Corporation and Town of Ayer, MA, STB Finance Docket No. 33971 (STB served May 1, 2001) (Ayer) at 8, Riverdale I at 5-9, and Borough of Riverdale — Petition for Declaratory Order — The New York Susquehanna and Western Railway Corporation, STB Finance Docket No. 33466 (STB served Feb. 27, 2001) (Riverdale II) at 3.

In addressing the scope of 49 U.S.C. 10501(b), the courts have found that, under this broad preemption provision enacted in ICCTA, zoning ordinances and local land use permit requirements are preempted as to facilities that are an integral part of a railroad's

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[3] Under 49 U.S.C. 10906, "The Board does not have authority . . . over the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks."

[4] The Flynn court noted that while the Board does not have regulatory authority over section 10906 projects, it does have jurisdiction over these rail activities. Id. at 1189-90.

interstate operations. Norfolk Southern Ry. v. City of Austell, No. 1:97-cv-1018-RLV, 1997 U.S. Dist. LEXIS 17236, at 17 n.6 (N.D. Ga. 1997); Village of Ridgefield Park v. New York, Susquehanna & Western Ry., 750 A.2d 57 (N.J. 2000) (Ridgefield Park). Moreover, state and local permitting or preclearance requirements (including environmental requirements) have been found to be preempted because, by their nature, they interfere with interstate commerce by giving the state or local body the ability to deny the carrier the right to construct facilities or conduct operations. Auburn and Kent, WA– Petition for Declaratory Order – Burlington N.R.R. – Stampede Pass Line, 2 S.T.B. 330 (1997) (Stampede Pass), aff'd, City of Auburn.[5]

The Board has regulatory authority over rail line constructions under 49 U.S.C. 10901, and it conducts an environmental review of such activities under the National Environmental Policy Act (NEPA), and can adopt appropriate environmental mitigation conditions in response to concerns of the parties, including local authorities. See Ayer at 4, n.14.[6] However, there is no

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[5] The argument that the statutory preemption in section 10501(b) is limited to state and local "economic" regulations was rejected by the court as contrary to the statutory text and unworkable in practice. City of Auburn, 154 F.3d at 1029-31.

[6] Under 49 U.S.C. 10901(a), a license from the Board (and an appropriate environmental review) is required for a railroad's construction of "an extension to any of its railroad lines . . . [or] . . . an additional railroad line . . . ." The terms "extension" and "additional railroad line" are not defined in the statute. These terms have been interpreted, however, in Texas & Pacific v. Gulf, Colorado & Santa Fe Ry., 270 U.S. 266 (1926) (Texas &

statutory requirement for a carrier to obtain Board approval to build or expand facilities that assist the railroad in providing its existing operations but that do not give the carrier the ability to penetrate new markets. See Nicholson v. ICC, 711 F.2d 364, 368-70 (1983), cert. denied, 464 U.S. 1056 (1984); Riverdale I. Railroads also do not require Board authority to upgrade an existing line, and, as noted, the law explicitly provides that a license is not required to construct "spur," "industrial," or "switching" tracks, see 49 U.S.C. 10906. Where no license is required, there is no environmental review conducted by the Board. Regardless of whether a project falls under section 10901 or 10906, however, the preemption provisions of section 10501(b) apply.

It should be noted, moreover, that in Stampede Pass, Riverdale I, and Ayer, the Board expressed its view that not all state and local regulations that affect railroads are preempted.[7] The Board has stated that

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Pacific), as those tracks that enable a railroad to penetrate or invade a new market. See Union Pacific Railroad Company – Petition for Declaratory Order – Rehabilitation of Missouri-Kansas-Texas Railroad Between Jude and Ogden Junction, TX, STB Finance Docket No. 33611 (STB served Aug. 21, 1998).

[7] In Stampede Pass, 2 S.T.B. at 339, the Board offered the following examples of state and local regulation that would not be preempted:

> a local law prohibiting the railroad from dumping excavated earth into local waterways would appear to be a reasonable exercise of local police power. Similarly, . . . a state or local government could issue citations or seek damages if

state and local regulation is appropriate where it does not interfere with interstate rail operations, and localities retain certain police powers to protect the public health and safety. For example, non-discriminatory enforcement of state and local requirements such as building and electrical codes generally are not preempted. Riverdale I at 8-9; Flynn. While a locality cannot require permits prior to construction, the courts have found that a railroad can be required to notify the local government "when it is undertaking an activity for which another entity would require a permit" and to furnish its site plan to the local government. Ridgefield Park. Local authorities can take actions that are necessary and appropriate to address a genuine emergency on railroad property.

Finally, the Board has concluded that "nothing in section 10501(b) is intended to interfere with the role of state and local agencies in implementing Federal environmental statutes such as the Clean Air Act, the [Clean Water Act], and the [Safe Drinking Water Act]." Ayer at 9.[8] Thus, the lack of a specific environmental

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> harmful substances were discharged during a railroad construction or upgrading project. A railroad that violated a local ordinance involving the dumping of waste could be fined or penalized for dumping by the state or local entity. The railroad also could be required to bear the cost of disposing of the waste from the construction in a way that did not harm the health or well being of the local community.

[8] Section 10501(b) also does not preempt valid safety regulation under the Federal Rail Safety Act, 49 U.S.C.

remedy at the Board or at the local level as to construction projects over which the Board lacks licensing power does not mean that there are no environmental remedies under other Federal laws. Whether a particular Federal environmental statute, local land use restriction, or other local regulation is being applied so as to not unduly restrict the railroad from conducting its operations, or unreasonably burden interstate commerce, is a fact-bound question. Id.[9]

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Petitioner's request for a declaratory order proceeding is denied.

20101 et seq. See Tyrrell v. Norfolk Southern Railway Company, No. 99-4505 (6th Cir. Apr. 25, 2001); Riverdale II at 2 n.4.

[9] The Board indicated, Ayer at 10, that

> individual situations need to reviewed individually to determine the impact of the contemplated action on interstate commerce and whether the statute or regulation is being applied in a discriminatory manner, or being used as a pretext for frustrating or preventing a particular activity, in which case the application of the statute or regulation would be preempted.

2. This decision is effective on July 29, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary